

REMARKS

The Examiner is thanked for the examination of the application. In view of the remarks that follow, the Examiner is respectfully requested to reconsider and withdraw the outstanding rejections.

Claim 16 has been rejected under 35 USC 101. In response thereto, the claim has been cancelled in order to expedite prosecution.

Claims 1 – 3, 8 – 11, and 15 – 17 have been rejected under 35 USC 102(e) as being allegedly unpatentable over US 2003/0081261, hereinafter *Tanimoto*.

In response to the rejection, claims 1, 8, 9, and 17 have been amended to clarify that the external apparatus or server is accessed in response to a determination that the power-saving mode has been deactivated. For a preferred exemplary embodiment, the Examiner's attention is directed to step S103 in Figure 6, wherein if a determination has been made that the power-saving mode is deactivated, the process continues toward step S105 - accessing the mail server. However, the present invention is not limited to the preferred disclosed embodiments.

In contrast to amended claims 1, 8, 9, and 17, *Tanimoto* does not teach or suggest a step of determining whether the power-saving mode is deactivated. *Tanimoto* is concerned with avoiding warming up of the printer at a time when there is need to form an image. See steps S3 and S4 in Fig. 5 of *Tanimoto*, wherein access to the server is made before the instruction to warm up the printer (S4) is made. In fact, *Tanimoto* does not provide any details concerning the timing of when the server is accessed.

Accordingly, claims 1, 8, 9, and 17 now clearly distinguish over the applied prior art. The remaining dependent claims are patentable at least for the reasons set forth above with respect to the independent claims.

Claims 4 - 7 and 12 - 14 have been rejected under 35 USC 103(a) as being unpatentable over *Tanimoto* in view of USP 6,744,780, hereinafter *Gu*. However, the teachings in *Gu* relied upon by the Examiner do not overcome the deficiencies of *Tanimoto* discussed above. Accordingly, claims 4 - 7 and 12 - 14 are also patentable over the applied prior art.

Applicants reserve the right to challenge the Examiner's analysis of *Gu*, and/or the reasons for combining *Gu* with *Tanimoto* at a later time, if necessary and appropriate.

Claim 6 has been rewritten in independent for to include the subject matter of claims 1, 4, and 5. This combination is not taught or suggested by the applied prior art.

Accordingly, the Examiner is respectfully requested to reconsider and withdraw the rejections.

In the event that there are any questions concerning this Amendment, or the application in general, the Examiner is respectfully urged to telephone the undersigned attorney so that prosecution of the application may be expedited.

Respectfully submitted,

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